

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEON BANKS,

Plaintiff,

v.

OPINION AND ORDER

19-cv-793-wmc

MSDF WARDEN STEVEN
JOHNSON and
DOE DEFENDANTS,

Defendants.

Pro se plaintiff Leon Banks, who was previously incarcerated by the Wisconsin Department of Corrections, is proceeding in this lawsuit pursuant to 42 U.S.C. § 1983, on his claims that his constitutional rights were violated while he was incarcerated at the Milwaukee Secure Detention Facility (“MSDF”). On November 2, 2021, the court issued an order denying defendants’ motion to dismiss or transfer but directing Banks to indicate whether (1) he is interested in continuing to litigate this case, and (2) he opposes transfer of this lawsuit to the Eastern District of Wisconsin. (Dkt. #16.) The court explicitly warned Banks that if the court received nothing from him by November 23, 2021, it would dismiss this lawsuit with prejudice for failure to prosecute. That deadline has passed, and the court has not received the information requested or otherwise heard from Banks suggesting an interest in prosecuting this case. Accordingly, at this juncture, the court finds that Banks has abandoned this lawsuit and will dismiss it with prejudice for failure to prosecute.

ORDER

IT IS ORDERED that:

- 1) This lawsuit is DISMISSED with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).
- 2) The clerk of court is directed to close this case.

Entered this 29th day of November, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge